

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue, N.W.
Washington, DC 20001

*Attorneys for Plaintiff
Eli Lilly and Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELI LILLY AND COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:07-cv-3770
)	(DMC)(JAD)
ACTAVIS ELIZABETH LLC, GLENMARK)	
PHARMACEUTICALS, INC., USA, SUN)	
PHARMACEUTICAL INDUSTRIES LIMITED,)	DOCUMENT FILED VIA ECF
SANDOZ INC., MYLAN)	
PHARMACEUTICALS INC., APOTEX INC.,)	
AUROBINDO PHARMA LTD., TEVA)	
PHARMACEUTICALS USA, INC., SYNTHON)	
LABORATORIES, INC., ZYDUS)	
PHARMACEUTICALS, USA, INC.,)	
)	
Defendants.)	
_____)	

**DECLARATION OF L. SCOTT BURWELL IN SUPPORT OF ELI LILLY AND
COMPANY'S MOTION FOR ENTRY OF JUDGMENT**

I, L. Scott Burwell, declare, under penalty of perjury, as follows:

1. I am an attorney at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, attorneys for Plaintiff Eli Lilly and Company ("Lilly") in this action. I am thoroughly familiar with the facts and circumstances of this action. I make this declaration in support of Lilly's Motion for Entry of Judgment.

2. Attached hereto as Exhibit 1 is a true and accurate copy of the mandate, issued on October 25, 2011, by the United States Court of Appeals for the Federal Circuit ("Federal Circuit") in *Eli Lilly and Company v. Actavis Elizabeth LLC*, No. 2010-1500.

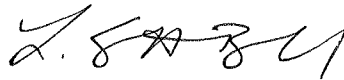
3. Attached hereto as Exhibit 2 is a true and accurate copy of the opinion, issued on July 29, 2011, by the United States Court of Appeals for the Federal Circuit ("Federal Circuit") in *Eli Lilly and Company v. Actavis Elizabeth LLC*, No. 2010-1500.

4. Attached hereto as Exhibit 3 is a true and accurate copy of the Federal Circuit's Order granting Lilly's motion for injunction pending appeal in *Eli Lilly and Company v. Actavis Elizabeth LLC*, No. 2010-1500.

I declare under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Executed this 1st day of November, 2011.

By:



L. Scott Burwell
Attorney for Plaintiff
Eli Lilly and Company